

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD  
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SPECIAL CIVIL APPLICATION No 3546 of 1982

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?  
1 to 5 No

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MADALSA N. GANDHI

Versus

INDIAN INSTITUTE OF MANAGEMENT

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Appearance:

Ms. D.T.Shah for the petitioner.

Petitioner is also present in the court.

Mr. K. Gandhi for MR KS NANAVATI for Respondents

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CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 04/07/97

ORAL JUDGEMENT

This matter has been pending since 1982. The matter was also argued for two days before this court, but I am happy that this long pending case is settled with a happy note inasmuch as it is being decided on the basis of the terms agreed between both the sides as under:

"1. Ms. Madalasa Gandhi will be deemed to have been absorbed as a permanent employee of the Institute with effect from 1.1.1982 in the post of Research Assistant (CMA) except for the specific provisions mentioned below:

2. She will be notionally placed in the scale of Rs.1640-60-2600-75-2900 with effect from 01.01.1996 and she will be given a notional basic pay of Rs.2300/- with effect from 01.01.1996.

3. Ms. Gandhi's evaluation and next increment will fall due on 01.01.1997.

4. On her permanent absorption she will be given an option to opt for either the CPF cum gratuity scheme of the Institute or the General Provident Fund-cum-Pension-cum-Gratuity Scheme of the Institute.

5. She will have to join the Group Saving Linked Insurance Scheme from the next renewal date i.e. 20 September 1997 subject to the rules of the scheme.

6. For the retirement benefits, her services in the Institute will be deemed to have commenced from 01 January 1982. Retirement means retirement on reaching the age of superannuation or voluntary retirement after 20 years of service under the general provident fund-cum-pension-cum-gratuity scheme of the Institute or resignation after 30 years of total service under the CPF-cum-Gratuity scheme of the Institute, as may be applicable to her.

7. She will be allowed to carry forward the earned leave subject to the maximum of 240 days and accumulated half pay leave to her credit.

8. She will be put in the seniority list for campus housing with effect from 01.01.1996.

9. She will be paid a lump sum amount of Rs.2.30 lakhs as backwages for the period upto and including 31.07.1996.

10. The actual arrears with effect from 01.08.1996 till date will be worked out and paid to her.

11. The age of retirement from service of the Institute will be 60 years.

12. Other service conditions will be subject to the bye-laws, rules and executive instructions of the Institute from time to time."

In view of the offers made at items Nos.1 to 12 by the respondents, the petitioner has agreed to withdraw this Special Civil Application and has further agreed not to raise any dispute in the matter of her past service or in any of the matters covered under this settlement.

Accordingly it is ordered that both the sides shall abide by the terms and conditions as enumerated hereinabove and as contained in the terms, which have been signed by the learned counsel for both the sides as also by the petitioner and the Personnel Officer Mr. N.V. Pillai on behalf of the respondent-Institute. These terms of settlement which are duly signed by both the sides and their respective counsel shall remain the part of the record and shall be treated as part and parcel of this order. Under instructions from the Personnel Officer Mr. N.V. Pillai, Mr. Gandhi appearing for the Indian Institute of Management states that appropriate orders in terms of the settled terms, as above, shall be issued within a period of 2 weeks from today and the lump sum amount and the amount to be paid to the petitioner in conformity with the agreed terms at Item Nos.9 and 10 shall be made good into the hands of the petitioner within a period of 8 weeks from today.

This Special Civil Application is disposed of and dismissed as withdrawn in the terms as aforesaid. Rule is discharged. Interim relief stands vacated. No order as to costs.